

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, John F. Cvinar and John C. Meade

Application No.: 10/811,293

Group Art Unit: 3763

Filed: March 26, 2004

Examiner: Not assigned

Confirmation No.: 8260

Title: ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION	
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:  
☐ a Statement under 37 CFR 1.97(e), as checked below, or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:  
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(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application file.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references AM9 and AN9 are enclosed.
  - ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☒ The listed references, AG18-AI18, AM9 and AN9 were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference [ ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:  
*(Affix a label or apply the stamp "Non-Published IDS Reference - Do Not Scan" to the front of each unpublished pending appl'n.)*

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [    ], by [inventor(s)], filed [    ], Docket No.: [    ]  
 \_\_\_\_ U.S. Patent Application No. [    ], by [inventor(s)], filed [    ], Docket No.: [    ]  
 \_\_\_\_ U.S. Patent Application No. [    ], by [inventor(s)], filed [    ], Docket No.: [    ]

\_\_\_\_\_  
 Examiner

\_\_\_\_\_  
 Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [    ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[    ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

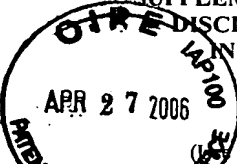
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Dated: 04/20/06

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 2814.2008-001		APPLICATION NO. 10/811,293	
<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> 		FIRST NAMED INVENTOR Andy H. Levine		FILING DATE March 26, 2004	
		EXAMINER Not assigned		CONFIRMATION NO. 8260	
April 19, 2006 (Indicate several sheets if necessary)					

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AG18	2002/0065545 A1	05/30/2002	Leonhardt et al.
	AH18	2002/0177890 A1	11/28/2002	Lenker
	AI18	2004/0093065 A1	05/13/2004	Yachia et al

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AM9	WO 00/28922 A1	05/25/2000	Advanced Cardiovascular Systems, Inc.		
	AN9	WO 00/42945 A1	07/27/2000	Al-Saadon, K.		

EXAMINER	DATE CONSIDERED
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